Practitioner's Docket No. API-020US**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Mark A. Saab et al.

Application No.: 10/674,031 Group No.: 3763

Filed: September 29, 2003 Examiner: Victoria P. Campbell

For: Apparatus and Methods for Bone, Tissue and Duct Dilatation

Batch No.:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: 37 CFR 1.312. "Amendments after allowance. No amendment may be made as a matter of right in an application after the mailing of the notice of allowance. Any amendment filed pursuant to this section must be filed before or with the payment of the issue fee, and may be entered on the recommendation of the primary examiner, approved by the Director, without withdrawing the application from issue."

LETTER ACCOMPANYING AMENDMENT AFTER ALLOWANCE
(37 C.F.R. § 1.312)

1. Please make the amendments or consider the items shown in the attached papers in this application in the

- ☐ abstract.
☐ specification.
☐ drawings.
☒ claims.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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Express Mail certification is optional.)

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

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☐ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Signature

Leslie R. Silverstein

(type or print name of person certifying)

Date: December 19, 2008

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Letter Accompanying Amendment after Allowance (37 C.F.R. § 1.312) [10-1]—page 1 of 2)

EFW

- ☐ change of inventorship
- ☐ submission of prior art
- ☐ other

NOTE: Any increase in fees that may be required by amendments to the claims must be attended to in full in the attached papers or by general authorization to pay fees under 37 C.F.R. § 16, otherwise, the amendment will not be considered by the Examiner. See MPEP § 714.16(c), 8th ed., Rev. 2.

WARNING: Submissions after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. 1.704(c)(10). Examples of such submissions are: (1) a request for a refund, (2) a status letter, (3) amendments under 37 C.F.R. 1.312, (4) a late priority claim, (5) a certified copy of a priority document, (6) drawings, (7) letters related to biological deposits, and (8) oaths or declarations. See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

2. Type of amendment:

- ☒ **Correction of formal matters** - Rewriting of allowed claims to reflect the Examiner's
As shown in the remarks of the attached paper, these (1) are needed for proper disclosure or protection of the invention and (2) require no substantial amount of additional work on the part of the PTO.

NOTE: No showing as to why the amendments to correct formal matters was not earlier presented need be made, unless the issue fee was already paid.

- ☐ **Other** (affects the disclosure, the scope of any claim or adds a claim):

NOTE: "Amendments other than those which merely embody the correction of formal matters without changing the scope of the claims require approval by the supervisory patent examiner. The Technology Center (TC) Director establishes TC policy with respect to the treatment of amendments directed to trivial informalities which seldom affect significantly the vital formal requirements of any patent, namely, (A) that its disclosure be adequately clear, and (B) that any invention present be defined with sufficient clarity to form an adequate basis for an enforceable contract." Section 714.16, MPEP, 8th Edition, Rev. 2.

As shown in the remarks in the attached supplemental page(s), there is stated the reason (1) why the amendment is needed, (2) why the proposed amended or new claims require no additional search or examination, (3) why the claims are patentable, and (4) why they were not earlier presented.


3. The issue fee:

- ☐ has not been paid.
- ☒ is paid separately herewith.

4. Additional fees:

- ☒ For any additional fees that may be required by the filing of this paper please charge:
 - ☒ Deposit Account No. 50-1139
 - ☐ Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.


SIGNATURE OF PRACTITIONER

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☐ Plus _____ Attached Page(s)

Application No. 10/674,031
Rule 312 Amendment

PATENT
Attorney Docket No.: API-020US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mark A. Saab et al.

Examiner: Victoria P. Campbell

Serial No.: 10/674,031

Group Art Unit: 3763

Filing Date: September 29, 2003

Title: APPARATUS AND METHODS FOR BONE, TISSUE AND DUCT
DILATATION

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Post Office as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 19, 2008

Date

A handwritten signature in black ink, appearing to read "Leslie R. Silverstein".

Leslie R. Silverstein

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RULE 312 AMENDMENT

Sir:

The following is an Amendment After Allowance under 37 CFR §1.132 in response to the USPTO Notice of Allowability (PTOL-37) dated December 10, 2008.

Please amend the application as follows.

Amendments to the Claims are reflected in the Listing of Claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 23 of this paper.